Remarks/Arguments

Status of the Claims

Claims 1-6, 8-16, 18-41 are pending in the application. Claims 21-29 and 40-41 have been withdrawn from consideration as being drawn to non-elected subject matter. Claims 1-6, 8-16, 18-20 and 30-39 stand rejected. For the reasons set forth below, Applicant submits that each of the pending claims is patentably distinct from the cited prior art and in condition for allowance. Reconsideration of the claims is therefore respectfully requested.

Interview Summary

Applicant thanks the Examiner for the telephone interview extended to Applicant's counsel of record, Aaron D. Barker, on April 25, 2007. During the interview, claim 1 of the present application was discussed in relation to the cited prior art. In particular, Applicant's counsel clarified patentably distinguishing features of the invention, including differences between FIG. 3 of the present application and FIG. 3 of U.S. Pat. No. 6,493,876 issued to DeFreese, et al. Arguments set forth by Applicant's counsel during the interview are discussed in detail hereinbelow.

Claim Rejections - 35 U.S.C. § 102

Claims 1-4, 8-14, 18-20, 30-32, 34-36 and 38 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,493,876 issued to DeFreese, et al. ("DeFreese"). Applicant respectfully traverses this rejection because DeFreese fails to identically teach every element of the claims. See M.P.E.P. § 2131 (stating that in order to anticipate a claim, a prior art reference must identically teach every element of the claim).

1. The set-top terminal shown in FIG. 3 of DeFreese does not have a second stream receiver for receiving an Internet Protocol (IP) encapsulated audio/video stream.

An aspect of the independent claims of the present application relates to processing two audio/video streams from different sources *through different paths* (e.g., a first stream receiver and a second stream receiver). In claim 1, for example, a second stream receiver is configured to receive a second audio/video stream that comprises Internet Protocol *(IP) encapsulated audio/video data*.

According to page 3 of the Office Action, FIG. 3 of DeFreese allegedly teaches a first tuner 41 for receiving a first audio/video stream from a first source and a second tuner 42 for receiving a second audio/video stream from a second source, the second audio/video stream comprising IP encapsulated audio/video data. However, Applicant respectfully submits that DeFreese does not anticipate the pending independent claims of the present application because the second tuner 42 is not configured to receive an IP encapsulated *audio/video stream*.

Rather, DeFreese teaches that the set-top terminal 6 shown in FIG. 3 includes "an in-band tuner 41" and "an out-of-band tuner 42." Col. 13, lines 2-3. The in-band tuner 41 receives "analog programs and services from analog satellite broadcasts, digital programs and services from digital satellite broadcasts, some digital programs and services from application servers, and digital programs and services from media servers." Col. 13, lines 57-64.

However, DeFreese clearly teaches that the out-of-band tuner 42 "receives only incoming IP datagram messages from headend 2 on the forward data channel" which include "Interactive Program Guide data messages as well as other data and control

messages." Col. 14, lines 2-7. Further, DeFreese provides no teaching that the out-of-band tuner 42 receives audio/video data.

To further illustrate the differences between the type of data received through the two tuners 41 and 42, DeFreese teaches that the in-band tuner 41 receives Forward Application Transport (FAT) channels (col. 13, lines 57-59) and the out-of-band tuner 42 receives messages on Forward Data Channels (FDC) (col. 14, lines 2-4). The FAT channels received by the in-band tuner 41 "provide set-top terminals with compressed digital content, such as, for example, *video, audio*, applications, control messages, and broadcast data." Col. 3, lines 57-60. (Emphasis added). However the FDC received by the out-of-band tuner 42 carries "out-of-band Internet Protocol (IP) datagrams containing messages regarding, for example, conditional access, entitlement, broadcast data, network management, application downloads, Variable Bit-Rate (VBR) downloads, external device data services, or general matters. Furthermore, all Interactive Program Guide data is carried to the set-top terminals exclusively over the out-of-band Forward Data Channels." Col. 3, lines 60-65 and col. 4, line 1. Audio and video are notably absent from the list of out-of-band data.

2. The set-top terminal shown in FIG. 3 of DeFreese does not teach or suggest a **hardware decoder** for decoding audio/video streams from **both processing paths.**

Another aspect of the independent claims of the present application relates to decoding two audio/video streams from two different paths (e.g., a first stream receiver and a second stream receiver) using the same hardware decoder. However, DeFreese is silent as to the subject matter of the pending independent claims.

As discussed above, DeFreese teaches that the set-top terminal 6 shown in FIG. 3 includes an in-band tuner 41 and an out-of-band tuner 42. However, DeFreese does

not provide any teaching that signals received through tuners 41 and 42 are decoded through the same hardware decoder. Analog programs and services received by the in-band tuner 41 are decoded by an NTSC decoder 38 to produce NTSC baseband signals. Col. 13, lines 64-66. The baseband signals are then passed to an Analog-to-Digital converter 34. Col. 14, lines 21-23 and 24-25. After QAM demodulation, digital programs and services having MPEG-2 payloads are decoded by an MPEG-2 decompress unit 33. Col. 14, lines 21-26. Thus, analog and digital signals (both received by the in-band tuner 41) are decoded by decoders 38 and 33, respectively.

DeFreese provides no teaching that the IP datagrams received by the out-of-band tuner 42 are decoded, let alone decoded by the NTSC decoder 38 or the MPEG-2 decompress unit 33. Rather, the "[m]essages received by the out-of-band tuner 42 are QPSK demodulated by QPSK demodulator 39 to reveal the IP datagrams," (col. 14, lines 8-10) and the IP datagrams are provided to an IP router 35 which "routes the IP datagrams toward their ultimate destination." Col. 14, lines 21-28. Because the IP datagrams received through the out-of-band tuner 42 do not include audio/video streams, there is no reason to provide them to the decoders 33 and 38 used for data received by the in-band tuner 41.

3. <u>DeFreese does not teach or suggest **selectively** providing audio/video streams from different paths to the **same hardware decoder**.</u>

Page 3 of the Office Action asserts that DeFreese inherently teaches a stream selector "in order to perform selective services, as disclosed in Fig. 5." However, Applicant respectfully disagrees. FIG. 5 of DeFreese shows a channel table 101 that associates channels of the set top terminal 6 with a plurality of television services listed

in a service table 103. But, the assignment of services to different channels is unrelated to the subject matter of the independent claims.

Claim 1, for example, requires a **stream selector** that **selectively directs** one of the first audio/video stream and the second audio/video stream **to the hardware decoder**. As discussed above, the out-of-band tuner 42 taught by DeFreese is not an audio/video stream and is not directed to a hardware decoder. These detailed claim limitations are not taught by DeFreese's assignment of services to various channels, as shown in FIG. 5.

4. Conclusion

Based at least on the foregoing, claims 1, 11, 30 and 31 are allowable over the art that has been cited and applied by the Examiner. Further, claims 2-6, 8-16, 18-20 and 32-39 are also allowable as depending from claims 1, 11 and 31, respectively. Applicants therefore request withdrawal of the rejections and allowance of the application at an early date.

Respectfully submitted,

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